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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE 19 MAY 1980

SUBJECT Pre-Trial Conference with Judge Siegan--
Steel Container Corp. (Calumet Containers)

FROM M. Kaye Jacobs *mkj*
Enforcement Attorney

TO Files

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In attendance on 5/12/80 were:

John and Mildred Jagiella and their lawyer, Peter Frezados
General Counsel Ann Kelly for the Indiana Harbor Belt Railroad,
Mark Niener, and one other technical support person
Laurie Breitkopf, IEPA attorney
Doug Karp, attorney, and Howard Chinn, engineer, of the Illinois
AG's office
Kaye Jacobs and Bill Muno of the U.S. EPA
Debbie Gibson, Assistant Indiana Attorney General

The pre-trial conference was held with Judge Siegan presiding during most of it. The first topic was the placement of 19 trailers containing both empty and full 55-gallon drums only 21 feet from the Indiana Harbor Belt Railroad tracks, and encroaching on railroad property. Judge Siegan stated that his primary concern was for the safety of people, and the possibility of sparks or other accidents resulting from passing trains was discussed. The Jagiellas agreed that they would have the trailers and the drums removed from railroad property by the end of the week, or by Monday, May 17. The number of fires was also discussed, and at several points both of the Jagiellas stated that there had been numerous fires on the facility. However, they maintained steadily that those fires had been generally small in nature, and associated only with the conveyor belt in the processing area. They also emphasized they had tried to use an acetylene torch on some of the compounds, and had been unable to ignite them.

Jagiella also stated he thought they had processed approximately 3 million containers in the 20 years they had been in business. They described their process now as proceeding by dumping out contents of the containers into a concrete vault, from which the residues and other material were placed into 15-gallon drums and sent to an Indiana approved landfill in Rochester. They indicated that they keep perhaps a 3-week inventory of 12,000 drums on hand at any given time.
Mr. Jagiella was particularly interested in emphasizing that their container recycling operation was no different from that of any of the other similar businesses in the area, and he seemed somewhat exercised that they were the only ones obligated to send their residues

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to a landfill approved to accept heavy metals. Bill Muno indicated that the implementation of RCRA regulations would probably force other container recycling businesses to follow the same practice. Mr. Jagiella was invited to furnish any information he might have on other such businesses which might be causing problems of hazards in the area.

The Illinois Attorney General's office presented their requests for cleanup, including excavation of soil to a depth of perhaps 1 to 4 feet, or to a level where the water was contaminated only to 10 times the drinking water standard level; possible purge of groundwater, if the Soil Testing Services study indicated that necessity; and completely enclosing the loading dock. It was agreed by both Mr. Karp and the attorney for Steel Container Corporation that it appeared necessary to await the outcome of the STS studies to be able to reach a settlement on those requests. However, the Jagiella's attorney stated they were working diligently to clean up the site as required by the Indiana Stream Pollution Control Board, and believed their actions pursuant to that order should also satisfy any concerns of the State of Illinois.

The conference ended with an understanding that Illinois Attorney General's office representatives would give 24-hour notice of entry to the Jagiellas and to the railroad, who wished to halt train passage during the time that groundwater wells were being drilled in and around their property.

cc: Bill Muno
Rich Shandross, A&HM Division
Tony Leffin, Indiana State Coordinator